

TENTATIVE RULING  
ISSUED BY JUDGE CHRISTOPHER B. LATHAM

Debtor: CHARLES RAYMOND YZAGUIRRE

Number: 12-15135-CL13

Hearing: 02:00 PM Wednesday, September 4, 2013

Motion: OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND  
MOTION TO RE-CONVERT CASE TO CHAPTER 7 FILED BY TRUSTEE (fr.  
8/7/13)

The court will **hear** the matter. The court has reviewed Debtor and the Chapter 13 Trustee's supplemental briefs. Debtor concedes that he cannot pay the full monthly amount due on his student loan debt to the U.S. Department of Education without discriminating unfairly against his other creditors under the test articulated by the Bankruptcy Appellate Panel in *In re Wolff*, 22 B.R. 510 (B.A.P. 9th Cir. 1982). The court therefore **sustains** the Trustee's objection. Debtor may file an amended plan by **September 11, 2013**.